

PATENT COOPERATION TREATY

REC'D 28 JUL 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2005/001184

International filing date (day/month/year)
24.03.2005

Priority date (day/month/year)
29.03.2004

International Patent Classification (IPC) or both national classification and IPC
A47L5/32, A47L9/32

Applicant
HOOVER LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the International application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/001184

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/001184

Box No. V Reasoned statement under Rule 43*b/s*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------------------|
| Novelty (N) | Yes: Claims | 4,7-10 |
| | No: Claims | 1-3,5,6,11,12,13 |
| Inventive step (IS) | Yes: Claims | 10 |
| | No: Claims | 1-9,11-13 |
| Industrial applicability (IA) | Yes: Claims | 1-13 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V.

1. The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US 5 815 883 A

D2: US 4 571 772 A

Independent claim 1

2. Document D1 discloses (the references in parentheses applying to this document):

A vacuum cleaner comprising (see fig. 1):

- a floor-engaging portion (3) having a first air inlet on the underside thereof;
- an upright portion (1) pivotally connected at its lower end to said floor-engaging portion;
- a handle (10) upstanding from the upper end of said upright portion and having a first end and a second end, said first end of the handle being detachably engaged with a formation on said upright portion (see fig. 2);
- a rigid tubular duct (5) extending along the handle between a second air inlet at said first end thereof and an outlet disposed remote from said first end; and
- an elongate flexible hose (4) having a first end and a second end, the first end of the hose being connected to said outlet on said handle, wherein
- the cross-sectional area of the rigid tubular duct extending along the handle increases substantially from said second air inlet at said first end of the handle towards said outlet disposed remote from said first end of said handle (see the conical portion of the tubular duct in fig. 2),
- the rigid tubular duct having, at said first end of the handle, an elongate portion which has either a transverse dimension or a cross-sectional area which is substantially uniform over its length (the lower portion of the tubular duct in fig. 2).

The subject-matter of claim 1 is therefore not new in the sense of Article 33(2) PCT).

Dependent claims 2-13

3. The following dependent claims do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty and/or inventive step: Claims 2-9 and 11-13:
 - 3.1 Claims 2,5,6 and 11-13: They contain features that have already been disclosed in the vacuum cleaner of D1.
 - 3.2 Claims 7 and 8: They refer to features that have already been employed for the same purpose in a similar vacuum cleaner; see document D2, and in particular the passages cited in the International Search Report. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to a vacuum cleaner according to document D1, thereby arriving at a vacuum cleaner according to claims 7 and 8.
The subject-matter of claims 7 and 8 does therefore not involve an inventive step in the sense of Art. 33(3) PCT.
 - 3.3 Claims 3,4,9: Their features are merely several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill.
4. On the other hand, the combination of the features of dependent claim 10 is neither known from, nor rendered obvious by, the available prior art.